



**Department of Health and Human Services  
Office of the Commissioner  
Policy and Procedure Statement**

Policy # DHHS-03-04

Issue Date: 07-01-04

Revised Date:

**I. SUBJECT**

Policy Regarding Compliance with The Americans with Disabilities Act

**II. POLICY STATEMENT**

The Department of Health and Human Services (DHHS) is fully committed to ensuring that individuals with disabilities are afforded equal opportunity and equal consideration in all areas of employment and in program and service delivery. Consistent with our philosophy of treating individuals with disabilities with dignity and respect, DHHS will comply with all aspects of the Americans with Disabilities Act.

**III. RATIONALE**

Historically, DHHS has adhered to a policy of compliance with the Americans with Disabilities Act. I earnestly reaffirm this policy and provide guidance through this policy and procedure statement in the areas of program accessibility, employment, physical accessibility and contracts.

**IV. PROCEDURE STATEMENT**

To ensure compliance with the ADA, the following measures will be followed:

**A. Program Accessibility**

1. All meetings, hearings and Department sponsored functions that are open to members of the public will be held at accessible locations/buildings. A listing of locations may be obtained from either one of the two DHHS EEO Coordinators listed in this policy.
2. Public notices regarding public meetings or hearings will include the procedure for requesting accommodations/auxiliary aids for individuals with disabilities.
3. Materials provided to the public will be made available in alternate format upon request.
4. All material published and disseminated by the Department will contain notice of DHHS' commitment to non-discrimination. See notice at attachment #1.

5. DHHS will make reasonable modifications in policies, practices and procedures when needed.
6. DHHS will not participate in contractual arrangements with organizations that subject qualified applicants, employees or clients to discriminatory treatment.
7. All direct service employees will be advised of the DHHS policy to accommodate clients with disabilities.

B. Employment

1. All hiring and personnel actions will not discriminate against qualified individuals with disabilities.
2. DHHS will make reasonable accommodations upon notification to qualified applicants and employees, except where such accommodation would impose an undue hardship according to the Department's Reasonable Accommodation Policy and Procedure.
3. All managers and supervisory personnel will be advised of DHHS' policy regarding reasonable accommodations.

C. Physical Accessibility

1. New construction and renovations to existing facilities will be completed in accordance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG).
2. Existing structures which need structural modification to ensure accessibility will be promptly reported to the Bureau of General Services which is charged with the task of meeting ADA accessibility requirements for property and buildings leased or owned by the State of Maine.
3. In the event that a program is not accessible due to structural barriers, DHHS will ensure that all programs/services are accessible by changing the location or by providing the service, as appropriate, in the client's home.

D. Contracts

1. No criteria will be used that discriminate against qualified individuals with disabilities in the selection of contractors.
2. DHHS will not enter or continue contractual arrangements with organizations that discriminate against qualified individuals with disabilities in the provision of service or in employment.

It is the responsibility of all levels of management to ensure attainment of these goals. Our success in meeting the requirements of the Americans with Disabilities Act is dependent upon aggressive implementation by every employee of the Department.

Any questions, concerns or complaints should be directed to either of the coordinators at the below listed phone numbers. **Employees aware of ADA-related consumer complaints against either DHHS or a contracted provider agency must contact one of the EEO Coordinators immediately. They can be reached at 287-4289 (V), 287-2000 (TTY), or 287-3488 (V), 287-4479 (TTY).**

**V. DISTRIBUTION**

All staff

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07/01/04  
Effective Date

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John R. Nicholas  
Commissioner

DHHS

**Non-Discrimination Notice**

The Department of Health and Human Services (DHHS) does not discriminate on the basis of disability, race, color, creed, gender, sexual orientation, age, or national origin, in admission to, access to, or operations of its programs, services, or activities, or its hiring or employment practices. This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and in accordance with the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, the Maine Human Rights Act and Executive Order Regarding State of Maine Contracts for Services. Questions, concerns, complaints or requests for additional information regarding the ADA may be forwarded to the DHHS ADA Compliance/EEO Coordinators, #11 State House Station, Augusta, Maine 04333, 207-287-4289 (V), 207-287-2000 (TTY) or 207-287-3488 (V), 207-287-4479 (TTY). Individuals who need auxiliary aids for effective communication in program and services of DHHS are invited to make their needs and preferences known to one of the ADA Compliance/EEO Coordinators. This notice is available in alternate formats, upon request.